

Group I: Claim 1-2, drawn to a substantially purified nucleic acid molecule encoding an enzyme;

Group II: Claim 3-4, drawn to a substantially purified protein;

Group III: Claim 5, drawn to a purified antibody;

Group IV: Claims 6, 7 and 11, drawn to a transgenic plant; and

Group V: Claim 8-10, drawn to a method for screening.

Applicants respectfully traverse the restriction requirement and provisionally elect the claims of Group I, claims 1-2 for further prosecution. Applicants further elect the enzymes of group a), adenine phosphoribosyl transferase and Sequence ID No. 5 (nucleic acid).

Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity. As Section 803 of the MPEP directs, “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

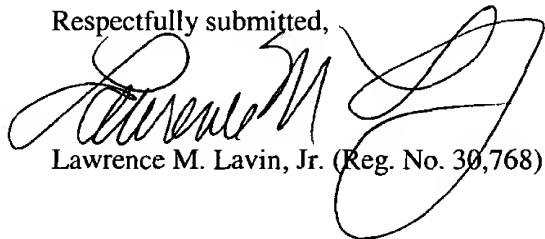
Applicants submit that the restriction requirement is inappropriate. For example, Applicants contend that, at least, Groups I and II should be examined simultaneously because they are related as nucleic acids and proteins encoded by such nucleic acids. To examine claim 1 (Group I), which is directed to nucleic acids that encode the identified proteins, requires the same search as claim 3 (Group II). Moreover, searches for claims 1 and 2 (Group I), which encompass organisms containing such sequences, should also include searches of art relating to plants

(Group IV). Accordingly, examination of at least Groups I and II and preferably Groups I, II and IV together would pose no undue burden to the Examiner. Furthermore, Applicants submit that restriction to a single nucleotide sequence is improper, as the Office Action itself indicates that "normally ten sequences constitute a reasonable number for examination purposes" and Applicants believe no serious burden would result by the search and examination of at least ten nucleotide sequences.

Based upon the foregoing, Applicants submit that the restriction requirement is improper and therefore should be withdrawn.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (314) 694-3602.

Respectfully submitted,



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